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**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TYRONE P. JAMES,
Plaintiff
v.

YORK COUNTY POLICE DEPARTMENT,
AGENT JAMES H. MORGAN, DETECTIVE
RICHARD PEDDICORD, DETECTIVE
RAYMOND E. CRAUL, SERGEANT GENE
FELLS, DETECTIVE KESSLER,
CORRECTION OFFICER BAYLARK, and
YORK COUNTY PRISON,
Defendants

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:(KANE, J.)
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: MJ MANNION **FILED**
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: HARRISBURG, PA
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: MARY E. D'ANDREA, CLERK
Per Deputy Clerk

DEFENDANTS' STATEMENT OF MATERIAL FACTS

Defendants submit the following Statement of Material Facts as required by Middle District Local Rule 56.1.

1.

York County Prison has a comprehensive grievance system that provides inmates with an administrative remedy for complaints about prison conditions. The system provides for:

- a) Monetary damages in a fixed amount.
- b) Alternative dispute resolution.
- c) Changes in procedure.
- d) Disciplinary action.
- e) Any equitable or legal relief deemed appropriate.

See Exhibit appended to the Affidavit of Deputy Warden Roger Thomas.

2.

Monetary damages have been awarded to prisoners mostly for lost items of property. However, on October 18, 2001, the system provided a \$50,000 damage award to an INS inmate for violation of his constitutional rights when corrections officers used excessive force in removing the inmate from the cell. (These corrections officers were terminated for their conduct and prosecuted criminally). (See Affidavit Donald L. Reihart, Esquire)

3.

The administrative system to review and address inmate complaints was in effect during the entire time inmate Tyrone P. James was an inmate at the York County Prison. (Affidavit Reihart)

4.

The administrative system provides for a series of staff reviews, a review outside the prison by the solicitor (Form 806) who can recommend or deny hearing by the Complaint Review Board, and a final appeal to the York County Prison Board. (Affidavit Roger Thomas, Exhibit "1")

5.

The Inmate Handbook, which is available to all inmates and which was available to inmate Tyrone P. James provides:

"A thorough explanation of how appeals are to be taken and ends with the statement:

A solicitor may refer the matter to the Complaint Review Board. Recommendations of the Complaint Review Board

will be made to the York County Prison Board. If you are not satisfied with the decision of the Complaint Review Board:

The solicitor will review the 806 and prepare a response to the inmate. If the inmate is not satisfied, he may appeal directly to the Prison Board by writing a letter which explains the reason for the appeal to the Chairman, Inspectors of York County Prison, One West Market Way, 4th Floor, York, Pennsylvania 17401. (Affidavit Reihart, Exhibit 1)

The grievance system shall not be considered exhausted unless all reviews have been taken timely and denied. (See Affidavit Deputy Warden Thomas, See Exhibit 1)

6.

During his confinement at the York County Prison, inmate Tyrone P. James has not filed a grievance regarding his denial of phone privileges and persistent questioning, the issues set forth in his complaint.

7.

Inmate James did not exhaust the remedies available to him concerning the grievances that are set forth in the complaint filed in the above-captioned action.

Respectfully submitted,

By: 

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Assistant Solicitor for York County

Dated: 2/20/02